

John Judd

From: Keith Hamre
Sent: Thursday, December 12, 2013 2:45 PM
To: John Judd
Subject: FW: Planning Commission Contact Form from Web Site

Public Comment for the PC.

From: City of Duluth MN
Sent: Thursday, December 12, 2013 9:03 AM
To: Keith Hamre
Subject: Planning Commission Contact Form from Web Site

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|-------------|--|
| First Name: | Jerry |
| Last Name: | Hadland |
| Email: | jerryparkpoint@aol.com |
| Inquiry: | <p>Commissioners: I believe that you should reject the Traffic portion of the Park Point Small Area Plan for the following reasons:</p> <p>A. The Small Area Planning Group did not endorse this plan.</p> <p>B. The Duluth city engineers did a traffic study and found that the traffic congestion was primarily caused by Canal Park congestion, Park Point streets are in better then average condition, compliance with the posted speed limit is better then Duluth's average and the streets are more then adequate to handle projected traffic through the year 2035.</p> <p>C. Minnesota Avenue between 8th and 13th streets has a commercial zone on the west side, and a residential zone on the east side. Virtually all the commercial land has already been developed. (Two marinas, a hotel and two government installations. So, this is not a growing commercial area.</p> <p>D. The plan calls for a new "S" curve to be built between 8th and 9th street. Placing 6 homes on a list of condemnation. (Receiving a variance for a sharper (more dangerous) curve can not be assured.) Approving this plan would place a cloud of uncertainty over these properties for at least 8 years, as all the state aid monies are committed to Superior Street until 2021. The properties would be difficult, if not impossible to sell or perhaps even refinance. That represents a gross injustice to those homeowners !!</p> <p>E. The cost of this project would be considerable. Even in today's market, the properties are worth better then \$1,000,000. That represents a significant expenditure necessary before the first shovel of dirt is even turned. Don't we have a lot better street projects to be completed in the city of Duluth before even thinking about spending money on a project like this?</p> |

John Judd

From: peter van dyken <bluekorn@charter.net>
Sent: Thursday, December 12, 2013 3:37 PM
To: John Judd
Subject: Park Point neighborhood Coalition

Hello,

Just a quite note from Peter Van Dyken and Scherrie Foster at 3435 Lake Ave. So.
Please know that Scherrie and I fully support the position statement of the Park Point Neighborhood Street End Coalition
and sincerely hope that you will do the same. Thank you.

Peter Van Dyken and Scherrie Foster

John Judd

From: Keith Hamre
Sent: Monday, December 16, 2013 8:02 AM
To: John Judd
Subject: FW: Planning Commission Contact Form from Web Site

Comment for Planning Commission.

From: City of Duluth MN
Sent: Saturday, December 14, 2013 11:31 AM
To: Keith Hamre
Subject: Planning Commission Contact Form from Web Site

| | |
|-------------|--|
| First Name: | Deborah |
| Last Name: | Medlin |
| Email: | aerialbridge@charter.net |
| Inquiry: | <p>I am writing today to state my opposition to the consideration of moving the S-curve on Park Point to 8th Street. Please consider the professional opinions about moving the S-curve - both the City of Duluth's engineering department's determination that the current traffic flow is sufficient and the outside engineering study recently done by SEH that stated "the existing configuration will accommodate traffic increases for many years to come". There is no "professional" reason for the change. Even the Park Point Small Area Planning Committee assembled to study issues on Park Point concluded that there should be no change to the traffic configuration. I encourage you to not be "persuaded" by what appears to be a personal agenda for Sharla Gardner to make a change. Sharla has not listened to the residents of Park Point and is not representing the best interests of it's residents.</p> |

John Judd

From: BRIAN NELSON <one_bucko@yahoo.com>
Sent: Monday, December 16, 2013 8:08 PM
To: Keith Hamre; John Judd; Charles Froseth; Sharla Gardner
Subject: Park Point Planning Commission December 17th meeting

Thanks to all of you, I know you have worked hard on these issues. I am writing you to be on record as co-founder of the PARK POINT NEIGHBORHOOD STREET END COALITION we have very carefully written and fully support our position statement. We now have the support of 70 plus members. Our position is as follows:

Brian Nelson

**Park Point Neighborhood Street End Coalition
Summary Position Document
12/8/2013**

This document is meant to summarize the positions of the Park Point Neighborhood Street End Coalition regarding the Small Area Plan Draft Recommendations List Presented by Duluth City Planning Staff on November 13, 2013

As a coalition of 70 plus members, we have some power to influence the outcome of the Planning Commission's recommendations that will go to the City Council. The coalition is intended to represent each of you as best we can. In order to do this, your feedback is of significant importance. We are at a critical point in the process.

The City had 5 basic goals of the Park Point small area plan. As a coalition we generally support the City's recommendations for Goals 1, 2, and 3.

We partially support the City's recommendations for Goals 4 and 5 with the positions stated below.

Please review these summary positions stated below. Reference the "Park Point Small Area Plan - Draft Recommendations List Presented by City Staff November 13, 2013" *This reference document is pasted to the end of this position summary document.*

Coalition members - Please provide feedback on the following positions at: parkpointneighbors@gmail.com

Goal 4.

Provide safe and convenient motorized and non-motorized transportation options throughout the study area.

Our Positions on Goal 4

- **The City should keep the "S" curve as it is. Our rationale:**

- The City consultant – SEH – found that the existing configuration will accommodate traffic increases for many years to come
- Minimal changes would be needed to allow traffic to enter and exit Minnesota Avenue at the "S" curve
- Franklin Park can be enhanced by adding parking, restrooms, and garbage containers that are needed for a Tier 1 access point. The elimination of the tot lot allows the space needed – especially ample parking capacity.

over

Goal 5.

Define public access/use of improved and unimproved rights-of-way (Street-Ends).

The Park Point Neighborhood Street End Coalition's Position is to fully support the City's recommendation for street end vacations. The City's recommendations for street end vacations are contained in the table on the last page of this document.

City Recommendations of concern to the Coalition (Only those of concern are listed below – A, C, E, and F)

A. Remove section of City Legislative Code Charter allowing public dockage at all street ends on Superior Bay side.

The Park Point Neighborhood Street End Coalition's Position is to fully support this recommendation from the City

C. Endorse the Tier 1 and Tier 2 system Parks and Recreation recommendation but with fewer Tier 2 access points and more distance between those points.

The Park Point Neighborhood Street End Coalition Position is to support Tier 1 access points only. We do not support any Tier 2 access points. Our Rationale:

- Only Tier 1 access points have the capacity to accommodate public access pressure/impact and facilitate law enforcement, sanitation, garbage collection, parking, etc...

E. Designate the "Tier One" access points to Lake and Bay Sides of Park Point. Tier One access points should provide a full range of amenities i.e.: Garbage collection, toilets, supervised recreation areas an adequate parking.

Lake side locations are:

Franklin Park
Lafayette Square
Park Point Beach House area

Bay side locations are:

Old Boathouse site 13th St.
Improved easement/access adjacent to the Sand Point Yacht Club (20th St.)
Park Point Beach House area.

The Park Point Neighborhood Street End Coalition Position is to fully support this recommendation from the City – while much improvement to the Tier 1 access points listed above is needed to accommodate the impact of public access

F. Designate "Tier Two" access points established in an approximately 3 to 4 block interval pattern as trail linkages to Lake and Bay Sides of Park Point from the Avenues with minimal improvements. Improvements at the Tier two accesses may include some of the following: signage, modified trail surface (gravel, sand, board or beach carpet) and screening from adjacent properties (plantings, sand fence, earth berm) garbage collection.

The Park Point Neighborhood Street End Coalition does not support the addition of Tier 2 access points.

John Judd

From: Charles Froseth
Sent: Monday, December 16, 2013 3:58 PM
To: Keith Hamre; John Judd
Subject: FW: Park Point Small Area Planning

Fyi
Chuck

From: Laurie Edgerton [<mailto:LEdgerton@nbcbanking.com>]
Sent: Monday, December 16, 2013 2:33 PM
To: Charles Froseth
Cc: Laurie Edgerton
Subject: Park Point Small Area Planning

This message was sent securely using ZixCorp.

First, thank you for taking the time to listen (read) our concerns and thoughts.

As a resident of Park Point for over a decade, there are a couple of things that never change. One of those things is the influx of people and traffic on a hot summer day. These days are cherished but few. We have learned to accept the traffic and people because we realize that even though it is "our" neighborhood it is also a city treasure for all to enjoy. As I had mentioned these days are truly few in the grand scheme of things. That is why I feel that spending millions of dollars to change a road that is fully capable of handling the traffic patterns for decades to come is a foolish waste of public funding.

Park Point has one way on and one way off; this will not change. Moving the location of the "S Curve" will not change the fact that there is still only one way on and one way off the point. The main issue with traffic only comes in the summer months, specifically when there is a boat going through and traffic is backed up. Again, moving the S Curve will not eliminate, reduce or help with this traffic issue. In my opinion moving the S Curve closer to the bridge would cause more congestion. People would not have the advantage of a clear line of sight, with the ability to see that the bridge is indeed up. The line of sight would be reserved for a handful of cars that are right next to the bridge. The cars coming on to the point, especially after a boat has gone through, would have to reduce their speed to a minimum with the new S Curve location, thus backing up traffic for longer periods of time in the Canal Park area.

If the S Curve is moved to the newly proposed location at 8th Street it would mean two to six homes would be eliminated and numerous home and business owners would have large sections of their property taken from them in order for a road to be built to specifications. The cost associated with a project such as this would be millions of dollars. People who have children and those who have raised their families would have their home taken away for no good reason. After the MIC study, the SEH study and all of the leg work done by the city of Duluth, a clear advantage to making the change has not been established. Not one study gives any indication that the traffic patterns will be reduced or improved.

It is my personal belief that a select few have chosen this project to be their legacy. These same individuals do not live on Park Point, they don't work on Park Point, they don't even work in the Canal Park area. It is very hard to sit back and have those who have no connection to the Park Point area except for the occasional visit on a warm summer day make decisions for those of us who live there and stand to lose everything. I have heard disparaging remarks made about my fellow neighbors by committee members. I have watched as committee members make faces and roll their eyes at the emotional pleas of my fellow neighbors. I have attended meeting after meeting and watched committee members disengaged, busy eating or paying attention to their dog. It is this type of behavior by people who work for and represent our fine city that make me truly embarrassed to have been a part of this process. I question, how these same people can be making decisions that will directly affect my life, the life of my family, my neighbors and my neighborhood? It is horrifying, to say the least.

Honestly, this letter could go on for days filled with emotional pleas and stories as to why we love where we live. The bottom line is this: there is no value to the city or community nor has there been a valid reason provided that supports changing the S Curve.

I appreciate your time and your dedication to our city,
Laurie C. Edgerton

Laurie C. Edgerton
VP-Human Resources Director

National Bank of Commerce

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John Judd

From: Keith Hamre
Sent: Monday, December 16, 2013 8:04 AM
To: John Judd
Subject: FW: Park Point Street Ends --- Dec 17 meeting

Another comment for PC

From: Patricia C. Kuszler [mailto:kuszler@uw.edu]
Sent: Friday, December 13, 2013 8:34 PM
To: Keith Hamre; John Judd; Sharla Gardner
Cc: planning; Charles Froseth; Don Ness
Subject: Park Point Street Ends --- Dec 17 meeting

Dear Mr. Hamre, Mr. Judd and Ms. Gardner:

As a homeowner on Park Point, I write today to both support the Park Point Neighborhood Street End Coalition and to further address the Tier One and Tier Two street end recommendations presented by the City Planning Staff. I do plan to attend the December 17 meeting, but am writing this to enter my voice into the record for that meeting in advance. I hope to speak directly to you all at the meeting.

There are two significant issues with the Tier One plan.

One is the need to upgrade most of these sites, with paved parking, the "full range of amenities," and adequate supervision. I would add that this supervision needs to include both ongoing maintenance and policing of the Tier One sites. Such improvement, supervision and policing is key to having these sites function as safe, clean and secure public access points. Additional policing will be particularly necessary at night to prevent illegal camping and other activities that will be destructive to beach areas, surrounding residences and to the overall aim of public betterment. In essence, Tier One will create public "park" entrances that need to be treated as such.

The second, more pressing, issue is whether or not these improved Tier One sites can be justified on the basis of public need. Currently the paved parking in the park at the end of the Point is underutilized. Is there a needs assessment that justifies the development of additional parking and public entrance points? or is this to facilitate better public access under a theory of "if we build it, they will come?" While the latter is a reasonable aspiration, the former would be a more weighty justification for public expenditures. Moreover, it might be wise to develop the Tier One access in response to evolving need, if indeed need is established.

Unlike Tier One access, the Tier Two street end plan is extremely problematic and unjust public policy on many different grounds. I write in vigorous opposition to the Tier Two street end plan as one of the residents that is discriminated against, economically damaged and at much increased risk as a result of the proposed plan.

I live on the 38th street end. Our street and 16th are the only two street ends that are doubly burdened by having a Tier Two designation on both the Bay and the Lake side. Surely this is an unfair burden to place on the residents of these two street ends. Moreover on 38th street, we additionally bear the parking and public access burden of the rowing club. This seems like a grossly unfair and unjustifiable burden being placed on

only a few homeowners, greater than that levied upon the other Tier Two affected homeowners and overwhelmingly more than other favored homeowners who have vacated or will be allowed to do so.

Beyond the extremely pejorative disadvantage and unfairness being placed on the residents and homes on 16th and 38th street, there are also significant concerns with respect to all the all the Tier Two designations.

First there is the issue of need. What is the demonstrated need for deeming these street ends as de facto public park entrances? It is unclear that there is documented present need for the Tier One sites, let alone an unmet need beyond that.

Second, there is the environmental impact on the dunes, the beach and the adjacent residential properties. While we have an informal pathway at our street end already, it is accessed across open green space and a well-trodden path to the beach. This is in fact true at many street ends along the point. But adding a gravel pathway, garbage can, etc will result in much greater denigration and destruction of the green space, the dune and the dune grasses, not to mention the habitat of the birds and wildlife. This is a relatively fragile ecosystem and it will be damaged and put at risk for what is, at best, a speculative need.

Third, there is the maintenance, supervision and policing of these Tier Two sites. Frankly at present, the gravel street are not maintained in any meaningful way. How will these Tier Two street ends, their paths, garbage cans and policing needs be serviced. We already have public access issues on the beach with respect to beach fires and loud alcohol-fueled parties at night. We can expect these to offenders to gravitate to these well-marked Tier Two entrances. What kind of policing will be devoted to addressing this issue? The park police patrol the Park at the end of the point- will they also be patrolling these Tier Two points? If not, what is the plan for addressing the dangers of drunk partiers, fires and illegal camping?

Fourth, there is the significant safety risk and intrusion on privacy imposed upon the Tier two residents. Most of us did not anticipate our homes and yards being part and parcel of a de facto public park entrance. Clearly my home and that of my street end neighbors will be subject to public traffic, over-parking, a significant loss of privacy and security, and enhanced risk of vandalism. Three of the four homes on my street end are occupied by retirees, two are elderly women living alone – in short, this safety hazard is being imposed upon vulnerable adults. I suspect the other Tier Two street ends have similar profiles. How will the city be providing the necessary security for our homes, especially at night when the likelihood of property and security danger will be heightened?

Fifth, there is the economic harm that those of us on the Tier Two street ends will suffer. The fact is that the value of our homes will be significantly diminished by a public park entrance and a set of garbage cans adjacent to our front doors. In my case, it is truly adjacent since my home's footprint lies partially in the street end. Moreover, it is likely that these street end access points will be both unsightly and poorly maintained. I also doubt that many of the folks who leave trash on the beach will transport it to the receptacle - the litter on the beach will escalate. The economic injury suffered is significant and my expectation is that those of us so negatively affected will be petitioning to have our tax assessment on our homes reflect this loss of value.

Finally, there is the impact on the neighborhood's social construct resulting from the Planning Commissions' draft recommendation. Essentially what this draft recommendation does is pit "neighbor against neighbor:" those who will bear an unfairly large burden for public access and "betterment" and those who are largely absolved of this alleged duty to open and expose their homes and yards to even informal public access. Already we have had an incident where one neighbor decided to rip out his neighbor's rose bushes to aggressively assert his "right" to public access. Is this behavior that the Planning Commission wants to generate and foster? The Tier Two plan does just that.

In conclusion the Tier Two Plan is both premature and an example of bad public policy. It is unclear that the public access need is so pressing as to require this access in addition to the improved Tier One access points that are more public in nature. From a public policy perspective, the Tier Two plan imposes an enormous burden on the residences of these street ends. It exposes Tier Two residents and their homes to safety and security risks, likely property damage, intrusion upon privacy, and economic harm. Moreover, even within the Tier Two category, 16th and 38th street are doubly harmed by having both street ends designated for this new public access and thus susceptible to double the damages. This unjust and discriminatory approach offends the social conscience in that it dumps the burden of public access and “betterment” on the few while absolving others of sharing in the reasonable burden of providing informal public access to the beach. It is bad public policy – even if the aim is legitimate, the means of achieving it are unreasonable, irrational, and unjust.

Surely it would be better public policy to foster public access to the beach in a fairer and less discriminatory way. This could be achieved by

- Improving the Tier One sites as planned and then assess whether the public access needs are being met. Park Point is small. Six access points are likely sufficient.
- Requiring that all pending and future vacations of street end include a stipulation that provides for informal public access as well as access for public utilities
- Revisit all prior vacations to determine the legal feasibility of adding a similar stipulation for informal public access

I am sure that I and most Park Point residents appreciate beach access and do want to share this wonderful resource with others who respect and care for this treasure. This shared value should require a reasonable effort from all of us, rather than having an unfairly large burden foisted upon only a few.

Patricia C. Kuszler

Patricia C. Kuszler, M.D., J.D.

Associate Dean for Academic Administration
Charles I. Stone Professor of Law
Adjunct Professor, School of Medicine and
School of Public Health

University of Washington School of Law
William H. Gates Hall
Box 353020
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206.685.0511

W SCHOOL OF LAW
UNIVERSITY of WASHINGTON

John Judd

From: Patricia C. Kuszler <kuszler@uw.edu>
Sent: Tuesday, December 17, 2013 1:09 PM
To: Charles Froseth; attorney
Cc: planning; Keith Hamre; John Judd; Sharla Gardner; Don Ness
Subject: park point street ends

Dear Mr. Froseth:

I have been reviewing the large packet you disbursed for the special planning commission meeting tonight and I notice that my comments are not included and moreover that a comment that is not mine is incorrectly attributed to me.

The comment incorrectly attributed to me is in the Public Comments section (Revised December 5, 2013) page 13, comment 47. I do not know Ms Trolander and this is not my comment.

Below is my a copy of my comment (with email chain) sent on Mon 11/4/2013 at 9:01 PM. As you will see, I originally sent my comments to the Park Point Community Club (n Oct 30) with the mistaken understanding that they were the appropriate representatives. It was obvious from the response that the Community Club not representative but rather extraordinarily biased and not an advocate for the community of affected homeowners. I then forwarded my comments to Mr. Hamre and Mr Judd. I will also resend my additional comment sent after this packet was compiled so that it can be added to future public comments.

Please correct the record to accurately reflect my public comments. Thank you for your attention to this issue of public record.

Patricia C. Kuszler

Email sent 11/4:

Dear Mr. Hamre and Mr. Judd,

Below see my email to Ms Buck and assorted others and the follow-on responses and emails. I own a home with my sister at 3801 Lake Ave South and only just heard about this street end issue. I am very concerned about it since my home is supposedly on the Tier 2 list (I have actually not yet seen the list). I am very opposed to the signage and gravel path idea for all the reasons outlined below.

While I have no objection to informal access at all street ends, my sister and are strongly opposed to having our property damaged and our privacy impaired by having a unnecessary, unsightly public access running directly adjacent to our home --- really close actually since we have a house originally dating to 1905 that is actually partially in the 38th street end (see description below).

From: Patricia C. Kuszler
Sent: Wednesday, October 30, 2013 5:15 PM
To: 'Dawn Buck'
Cc: 'sharla.gardner'; dness@duluthmn.gov
Subject: RE: Re:

Dear Ms. Buck

Thank you for your response and the copy of survey and case.

The case is interesting although not precisely on point for this situation. Mr. Glass was seeking access on the plated street to his own private property where he had built a garage duly permitted by the city. I certainly have no argument with the Supreme court that such access is appropriate. Note however that the area in question was not an authorization for Mr. Glass to fully develop 40th street to make a public byway all the way down to the beach; moreover the City specifically stated it did not intend to complete the 40th street end to provide such formal public access.

With respect to the survey, the questions are pretty slanted and speak primarily to reasonable access. It is also unclear what your percentage of respondents was overall. I certainly received no email or notification of the survey as would be normal if all homeowners responses were being sought. I have no problem reasonable access and think we have it now. As I noted in my email, I have not been overly concerned about this issue heretofore and have no problem with people traversing the green space the overlies the 38th street plat to access the lake. I do wish that there were more patrolling on the weekend to address the illicit fires and beer parties. I do strenuously object to creating a graveled "park entrance" to the lake on only certain street ends requiring some homeowners to bear the access burden and privacy intrusion while other similarly situated homeowners are privileged and do not have to bear the public access burden. And as I mentioned in my email, 38th Street already is differentially impacted by the public access and parking burden of the Rowing Club. I do not think the survey provides any opportunity for the respondent to fully address the maintenance of the public access paths or the hazards it presents to the homeowners whose privacy and homes will be impacted.

On the Harbor side there are not similar street ends. For a big chunk of the way (20s-30s), the houses are built adjacent to each other with no indication of where the "street end" is. The many docks in this area are privately owned, many on riparian lots. The harbor side of Minnesota Ave across from 38th is narrow and there are no houses -- I presume this is the public space you are referring to although there are presently no docks on it. Assuming this is public space, the rowing club is to the south and I believe this in a non-profit public organization (501C3). The adjacent homeowner to the north (I believe it is the grey house that has been up for sale recently) should be accorded a reasonable amount of set-aside space so that there is not a public dock or parking lot jammed right next to their house destroying any hope they have of privacy.

As I hope I have made clear, I am fine with reasonable public access to the lake and harbor -- an informal access provision that applies to all street ends. I am opposed to having only certain streets designated and signed as "public entrances" and even more against the institution of unsightly, unmaintained gravel paths damaging the property values and quality of life of only some of the street end residents. It is unfair and disparate treatment that is not ethically justifiable -- a persecution of the few

Pat Kuszler

Patricia C. Kuszler, M.D., J.D.

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From: Dawn Buck [mailto:parkpointcc@gmail.com]
Sent: Wednesday, October 30, 2013 1:10 PM
To: Patricia C. Kuszler
Subject: Re:

Hi,
Thank you for your letter.

How do you feel about the bayside access, all of which are currently public docks?

Do you think that the adjacent owners should be given that land, through the process of vacation?

See also, Supreme Court decision from 2008(Bolen v Glass) re. access of public rights of way.

I have attached the results of our recent survey.
Many comments are towards the end of the report.
Take care, Dawn

On Wed, Oct 30, 2013 at 2:15 PM, Patricia C. Kuszler <kuszler@uw.edu> wrote:

Dear Ms. Buck, Ms Gardner, Mayor Ness, and Park Point Community Club:

I am writing because I understand that there is a plan afoot to add additional public access notifications and dedicated access to the beach via gravel walks on several of the street ends on Park Point. My sister and I own the house at 3801 Lake Ave South which is on a street end on the lake side. We have rehabilitated the home improving its value and currently pay a substantial tax bill. While it is currently a second home for us, we plan to reside there full time upon retirement which is imminent.

My understanding is that there will be certain Tier I streets end which will get an access sign, gravel path and Portable toilet installed to facilitate use of the beach and a number of additional streets that will get Tier 2 signage and gravel path treatment. I understand that my street end is one of the latter.

I have several concerns about this turn of events and some major ones directly related to 38th.

First, in the general category, there is clear public access to the public beach at the Franklin lot and at the very large state park at the end of the point. In fact, there is extremely ample and generally underutilized paved parking in the Park as well as bountiful access to the beach on both lake and harbor side. The very public access at these two sites is fully sufficient. There is no need for additional formal access points and certainly not at many residential street ends.

Second, with the current informal public access on the street ends, we already get people accessing the beach. I believe that providing this informal access is not an unreasonable burden. While most daytime informal access is not a problem, in the summer evenings, most of those who access on the street ends are seeking to have fires and beer parties well into the night – something that is not tolerated in the park areas which are policed to prevent it. The illicit use at night of beach off the street ends is not policed – even if we

seek to notify the police, there is little if any timely response. Those of us who live on the street ends get the privilege of disposing of the beer cans, bottles and trash. Pointing the way and adding dedicated paths from residential end street will only make this problem much worse --- and I doubt that there are adequate resources or interest for policing more aggressively

My overarching concern is that these are residential streets – many of the folks living on these streets are young families or alternatively, vulnerable elderly. No one should have a portapotty at their street end. It is a public health hazard and a magnet for additional problems with vagrants and illegitimate camping on the beach – made worse by the fact that this already significant problem will be brought even closer to people's homes. Similarly, the gravel paths themselves are likely to be intrusive with respect to adjacent residential living, as well as unsightly. A high price for darned little legitimate public benefit, especially given our beautiful large park at the end of the point.

With respect to 38th street, my house actually is partially in 38th street. It is less than six blocks to the main Park entrance at the end of the point. My home's footprint dates to 1905 and it sits approximately 4 feet into the street. I know this because when we added the second story and new roof we had to get a special ordinance because our roof eave extends an additional 3.5 feet further over the street. As a result, the proposed path will pass directly under my bedroom windows and be only a few feet from the north wall of my home. This will be a significant privacy and noise incursion, as well as a safety threat – in fact my gas, electricity and water all enter the house on that side on the ground floor. Moreover, I believe that putting this path right next to my house will significantly damage the appearance of my property, decrease the value of my home, and potentially increase the risk of vandalism.

More generally, we on 38th are already doing more than our part for public access. We are directly across Minnesota Avenue from the rowing club. During the summer, our street and Minnesota Avenue are regularly parked up due to the crew activities. During the competition, the entire harbor side of Minnesota Ave is filled with campsites (presumably illegal but tolerated). By formalizing the public path at the end of 38th – this camping experience will migrate to that area as well – a further and not tolerable situation. The pathway in this particular street will encourage further illegal camping for the crew competitions and events, directly adjacent to our homes. We all value the rowing club and the image it provides for Duluth, but only a few of us actually experience the downside. We on 38th should not have to do "double duty" re public access. I do not think there is a single other street end that would experience this double public access burden.

Finally there is the formidable maintenance issue. Thirty-eighth street, as well as many of the other street ends, is gravel. During the eight years we have been there, it has not been maintained at all by the city. We have had no re-graveling, no grooming of the gravel, and no maintenance of any type, including in the winter. Last winter, the sand/plow came down our street end exactly once. With melting and refreezing, the street was glare ice for most of the winter – the residents hand-sanded the street just to be able to walk on it and get our cars out of the driveway and down the street. Given the extremely poor maintenance of the street, I see the public pathway being yet another poorly maintained byway that will be an eyesore compared to the green space and gardens that are currently at the end of the street.

In sum, while I am not opposed to having informal public access to the beach on the street ends, I do not support formalizing access with signage and dedicated gravel pathways – especially when these pathways only affect some and not all. I am quite certain that most of the proponents are not on any of the affected street ends. It is pretty easy to push for public access when you are not affected or have already had your

street end vacated and the burden will be borne by those who have tolerated informal access as reasonable and/or have not had the resources (time and money) or political connections to seek vacating the street end.

I have not pursued vacating my street end, but I will oppose having this public access path added next to my home at 3801 Lake Ave South. Moreover, I will forthwith pursue action to vacate the street end.

Patricia Kuszler

John Judd

From: Keith Hamre
Sent: Wednesday, December 18, 2013 8:20 AM
To: John Judd
Subject: FW: Planning Commission Contact Form from Web Site

This came in late Monday night. Add to comments.

From: City of Duluth MN
Sent: Monday, December 16, 2013 9:22 PM
To: Keith Hamre
Subject: Planning Commission Contact Form from Web Site

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|-------------|---|
| First Name: | Michael |
| Last Name: | Medlin |
| Email: | aerialbridge@charter.net |
| Inquiry: | <p>I am writing in response to a possible recommendation from the city planning dept. in regards to moving the existing S curve on Park Point from its present location on 12th. St. to 8th. St.</p> <p>It has been said that one of the reasons for moving it would be for public safety.</p> <p>The Park Point Area Plan committee had a survey conducted by SEH, a local engineering firm; and one of their findings was that the present S curve posed no safety threat and is working quite nicely.</p> <p>The recommendation of the Small Area Plan committee was to leave the S curve as is. However, there are a couple on that committee, a small minority, and a few in the Planning Dept. that are intent on pushing their own agenda by having it moved contrary to all findings of this independent survey</p> <p>Another argument being purported for moving the S curve is to better serve the commercial businesses.</p> <p>A couple of years ago, Sharla Gardner and a few of her hand picked members on the Park Point Zoning Task force, pushed to have 3 blocks on Minnesota Avenue down zoned from Commercial to Residential property.</p> <p>The real reason for this down zoning was to block Joel Johnson's attempt to build his hotel. Our family owned business (Medlin Const. L.L.C.) was caught up in this hostile takeover of our Commercial Property rights. Granted, we were allowed to continue our business (Grandfathered In) however, there are limitations on what we will be able to do with this property.</p> <p>What is the real motivation for moving this S curve.</p> <p>Could it be that one of the owners of the new hotel is also an employee of the City of Duluth and this hotel would get more visibility?</p> |

